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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JOSHUA ALLAN JACKSON,

9 Plaintiff,

10 v.

11 JACK WARNER, et al.,

12 Defendant.
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CASE NO. 2:21-cv-00474-RSM-BAT

**ORDER (1) DENYING PLAINTIFF'S
MOTION TO REVERSE ORDER
DENYING MOTION REGARDING
SUMMONS AND (2) DIRECTING
DEFENDANT TO RESPOND TO
CLAIM PLAINTIFF CANNOT USE
THE E-FILING PROCEDURE**

14 Plaintiff filed a motion, Dkt. 24, objecting to the Court's order, Dkt. 21, denying his
15 motion requesting the Court order Defendants to appear and "acknowledge why he did not
16 respond to the summons served on him." Plaintiff asks the Court to reverse its order because
17 "the Institutional Law Librarian refuses to use the e-filing process as offered by the court and
18 plaintiffs only communication to the court is through the mail." Dkt. 24 at 3.

19 Plaintiff's motion raises two separate issues. First, should the Court reverse its order and
20 direct Defendants to appear and acknowledge why he did not respond to the summons served on
21 him." The Court declines to do so because Plaintiff's motion lacks merit. Defendants timely filed
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1 waivers of service of summons and the Court has no basis to order them to acknowledge they
2 have improperly failed to respond.

3 Second, the Court noted in its order that every pleading Plaintiff has filed has been filed
4 in violation of the Court's e-filing requirements. Plaintiff contends the Prison Law Librarian is
5 preventing him from filing his pleadings in conformance with the e-filing protocol. The Court
6 has no basis to know whether this is true or not. Accordingly, the Court **ORDERS:**

7 (1) Plaintiff's motion. Dkt. 24, the Court reverse its order denying his motion to
8 compel Defendants to acknowledge they failed to respond to the summons is DENIED.

9 (2) To provide the Court a basis to determine whether Plaintiff can utilize the e-filing
10 procedure or is barred from using it by prison officials, Defendant's counsel shall file a response
11 to Plaintiff's claim he is being barred from e-filing documents. Defense counsel's response is due
12 no later than July 7, 2021.

13 DATED this 21st day of June 2021.

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BRIAN A. TSUCHIDA
United States Magistrate Judge

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